

REMARKS

This is in response to the Office Action dated 04/05/2007.

The present amendment adds customary headings to the specification.

§ 102 Rejections

Claims 1-6 were rejected under 35 USC § 102(b) as being anticipated by “L’AEROSOL-DOSUER PROLAIR AUTOHALER”.

However, Applicants respectfully submit that there are clear and important distinctions between the present claims and cited reference. The claimed invention is limited to an unconventional valve arrangement where the valve forms a transient metering chamber by movement of the valve stem into its second position. This is unlike conventional metering valves having a permanent metering chamber such as in the cited reference (see diagrams in L’AEROSOL-DOSUER PROLAIR AUTOHALER showing a conventional metering valve).

With the conventional approach of L’AEROSOL-DOSUER PROLAIR AUTOHALER, the valve stem stays in its first position (rest) when the actuator device is primed, and then quickly moves to its second position (fired) when the actuator device is triggered by inhalation. By contrast, in the claimed invention the valve stem moves from its first position (rest, Fig 1C) to its second position (primed, Fig 2C) when the actuator device is primed to form a transient metering chamber (64), and then moves to a third position (fired, Fig. 3B) when the actuator device is triggered by inhalation.

Hence, the cited reference does not disclose the required claim limitation of a valve stem:

“... movable between a first position, a second position and a third position as the valve stem is depressed in a single direction; such that: as the valve stem is moved from said first position towards said second position a metering chamber is formed and defined between the valve stem and tank component”

It is believed that the claims are novel (and inventive) and the application is in condition for allowance. Reconsideration and favorable action are therefore requested.

Respectfully submitted,

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Date

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